

REMARKS

The Examiner has advanced an Eight (8) way Restriction Requirement.

Restriction of claims 1, 3, 4, 18-19 (Group I) and claim 5 (Group II – method of screening a compound as agonist of the polypeptide of Group I); claim 6 (Group III - method of screening a compound as an antagonist of the polypeptide of Group I), claim 17 (Group VIII – method of detecting the polypeptide of Group I) under 35 U.S.C. 120 is respectfully traversed. It is respectfully submitted that a search of the Group I claims would, of necessity, include a search of each of Groups II, III, and VIII claims.

As such, no savings of PTO resources will be achieved by enforcing the restriction requirement presently asserted. Accordingly, reconsideration and withdrawal of the requirement for restriction and/or regrouping of the claims, e.g., by combining Groups I, II, III and VIII is respectfully requested.

In order to be fully responsive, Applicants elect the invention defined by the Group I claims (i.e., claims 1, 3, 4, 18 - 19) without prejudice to the prosecution of the non-elected claims in a related patent application. Claims 2, 5-17 have been cancelled without prejudice.

Applicants retain the right to petition from the restriction requirement under 37 C.F.R. §1.144. Favorable reconsideration of the Restriction requirement is respectfully requested.

It is believed that the claims are in a condition for allowance and a notice to that effect is earnestly solicited.


If the Examiner believes that a telephone conference would be of value, he is requested to call the undersigned counsel at the number listed below.

Any additional fees required in connection with this submission may be taken from Merck Deposit Account No. 13-2755.

CONDITIONAL PETITION

Applicants hereby make a Conditional Petition for any relief available to correct any defect in connection with this filing, or any defect remaining in this application after this filing. The Commissioner is authorized to charge deposit account 13-2755 for the petition fee and any other fee(s) required to effect this Conditional Petition.

Respectfully submitted,

By 

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Date: January 26, 2007